

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF JEFFREY M. GOULD IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO COX'S MOTION TO EXCLUDE THE TESTIMONY OF PUTATIVE
EXPERT BARBARA FREDERIKSEN-CROSS**

I, Jeffrey M. Gould, hereby declare:

1. I am Senior Counsel Oppenheim + Zembrak, LLP, and am admitted to practice law in the District of Columbia, among other jurisdictions. I am counsel for Plaintiffs in the above-captioned case. I have personal knowledge of all facts stated in this declaration, and if called upon as a witness, I could and would competently testify thereto.

2. I submit this declaration in support of Plaintiffs' Opposition to Cox's Motion to Exclude the Testimony of Putative Expert Barbara Frederiksen-Cross filed contemporaneously herewith.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Sam Bahun in Support of Plaintiffs' Opposition to Defendants' Motion for Sanctions and to Preclude Use of MarkMonitor Evidence (including Appendix A) (ECF No. 352-1).

4. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Vance Ikezoye in Support of Plaintiffs' Opposition to Defendants' Motion for Sanctions and to Preclude Use of MarkMonitor Evidence (ECF No. 352-2).

5. Attached hereto as Exhibit 3 are true and correct excerpts from the May 6, 2019 deposition of Vance Ikezoye, Audible Magic's 30(b)(6) corporate designee. The Audible Magic Spreadsheet (REV00003444) was not identified during any questions or answers during Mr. Ikezoye's deposition, and it was not entered as an exhibit. Cox did not authenticate the Audible Magic Spreadsheet during that deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 24, 2019 in Washington, District of Columbia.



Jeffrey M. Gould
Counsel for Plaintiffs